

IV. REMARKS

Claims 1-36 are pending in this application. By this amendment, claims 1, 2, 3, 8, 12, 13, 19, 20, 26, 27 and 31 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claim 31 is objected to because of alleged formalities. Claims 12, 14, 15, 17, 18, 20-22, 24, 25, 31-33 and 35 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Park (US patent no 6,260,140 B1), hereafter "Park." Claims 1-5, 7, 8, 10, 19, 26, 28 and 30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Park in view of LeBourgeois (WO 98/420098), hereafter "LeBourgeois." Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Park in view of Pettitt (US patent no 5,864,620), hereafter "Pettitt." Claims 9, 11, 13, 16, 23, 27, 29, 34 and 36 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Park.

A. OBJECTION TO CLAIM 31 FOR FORMALITIES

The Office has objected to claim 31 for formalities. Applicant has amended the claim to cure the alleged formalities to which the Office has objected. Accordingly, Applicant respectfully requests that the Office withdraw its objection.

B. REJECTION OF CLAIMS 12, 14, 15, 17, 18, 20-22, 24, 25, 31-33 and 35 UNDER 35**U.S.C. §102(b)**

With regard to the 35 U.S.C. §102(b) rejection over Park, Applicant asserts that Park does not teach each and every feature of the claimed invention. With particular respect to independent claims 12, 20 and 31, Applicant respectfully submits that Park fails to teach or suggest comparing during installation of a product. The invention in Park deals with "...a method of software license control based on independent software registration servers." Col. 1, lines 45-46. To achieve its goal, Park utilizes a two-step process. In the first step, during the Park installation of a software product, a software registration server sends the user a license file and the user's license control program sends a software purchase request to the software registration server. Col. 3, line 46 through col. 4, line 9. Only the software registration server can modify these files. Col. 4, lines 8-9. In the second of Park's steps, an attempt to use the software product after installation will result the user's license control program checking the previously received license to determine whether the user has a license to use the software product. Col. 3, lines 13-20. Note that the checking step in Park occurs only after installation has been completed. Col. 3, line 13-20. The present invention, in contrast, includes "...comparing, during installation of a product, the at least one verification file processor identification with a corresponding processor identification stored on the processor." Claim 12. The comparing as included in the present invention is performed during installation of a product, not during attempted usage of the software product after installation as in Park. Furthermore, in contrast to Park, which simply transfers information between a registration server and a CPU during installation, the present invention compares the at least one verification file processor

identification with a corresponding processor identification during installation of a product. For the above reasons, the checking of the license file during attempted usage of the software product in Park is not equivalent to the comparing during installation of a product as included in the present invention. Accordingly, Applicant requests that the rejection be withdrawn.

With further respect to independent claims 20 and 31, Applicant asserts that Park does not teach or suggest a registry system. As stated above, during installation Park simply transfers a license file from a registration server to the user and a purchase request from the user to the registration server. Col. 3, lines 55-57; col. 4, lines 2-4. If the user registers a new software product, the Park registration server simply replaces the license file. Col. 4, lines 61-65. However, Park does not record the information in a location that is separate from that of the license file. In addition, Park does not record any information in the event an invalid registration is attempted. In contrast, the present invention includes "...a registry system for registering license information in a registry separate from the verification file if a match exists between the verification file identification and the corresponding processor identification and for writing to the registry a message indicating an invalid installation attempt if a match does not exist between the verification file identification and the corresponding processor identification." Claim 20. Unlike in Park, which has only a license file, the registry system as claimed in the present invention is located separately from the verification file. In further contrast to Park, the registry system as claimed in the present invention not only registers license information for a valid registration attempt, but also registers a message that indicates when an invalid installation attempt is made. For the above stated reasons, the license file in Park is not equivalent to the

registry system as included in the present invention. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

With still further respect to independent claims 20 and 31, Park does not include a log system. In the Park control system, user information, CPU information and software product usage license information may be stored in a software registration server database. However, this software registration server database, as with the entire registration server, "...is independent of software product manufacturers." Col. 3, line 12. Furthermore, Park makes no record of attempts to register a product invalidly. In contrast, the present invention includes "...a log system for logging hardware information in a log maintained by a producer of the product and for logging a message indicating an invalid installation attempt in the log if a match does not exist between the verification file processor identification and the corresponding processor identification stored on the processor." Claim 20. Unlike the independent registration server database in Park, the producer of the product maintains the log system as included in the present invention. Furthermore, the log system as included in the present invention not only records hardware information, but also logs a message if an invalid installation is attempted. Therefore, the log system as included in the present invention is not equivalent to registration server database in Park. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to dependent claims 14, 15, 17, 18, 21, 22, 24, 25, 32, 33 and 35, Applicant herein incorporates the arguments presented above with respect to independent claims 12, 20 and 31 from which claims 14, 15, 17, 18, 21, 22, 24, 25, 32, 33 and 35 depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features.

Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

**C. REJECTION OF CLAIMS 1-5, 7, 8, 10, 19, 26, 28 and 30 UNDER 35 U.S.C. §103(a)
OVER PARK IN VIEW OF LEBOURGEOIS**

With regard to the 35 U.S.C. §103(a) rejection over Park in view of LeBourgeois, Applicant submits that the combined features of the cited art fails to teach each and every feature of the claimed invention. Specifically, with respect to independent claims 1 and 26, Applicant hereby incorporates the arguments set forth above with respect to claims 12, 20 and 31, namely that Park fails to teach or suggest comparing during installation of a product. Furthermore, with respect to dependent claim 2, Applicant hereby incorporates the arguments set forth above with respect to claims 20 and 31, namely that Park does not teach or suggest a registry system. Still further, with respect to dependent claim 3, Applicant hereby incorporates the arguments set forth above with respect to claims 20 and 31, namely that Park does not teach or suggest a log system. For the above stated reasons, Applicant respectfully requests that the rejections be withdrawn.

With regard to independent claims 1 and 26 and dependent claims 2-5, 7,8, 10, 19, 28 and 30, LeBourgeois does not teach or disclose a plurality of hardware identifications. LeBourgeois describes a method of distributing digital products so as to ensure that they are not distributed to unauthorized parties. Page 1, lines 5-9. To accomplish its goal, LeBourgeois generates an encryption key, which it calls a reader system signature (RSS). Page 21, lines 3-15. The RSS may be generated in several ways, including, as cited by the Office, using information from the components of the reader's computer system, including: the hard disk drive; the floppy disk

controller; the monitor; the display adaptor; the mother board; the ports; the sound, video and game controllers; and other system devices. Page 23, line 10 through page 24, line 28. In contrast, the present invention includes "...a plurality of hardware identifications, which correspond to particular end-user computer systems." Claim 1. The hardware identifications as included in the present invention do not refer to components of a single reader's computer system as in LeBourgeois, but rather refer to a plurality of systems. Thus, the RSS as included in LeBourgeois is not equivalent to the plurality of hardware identifications as claimed in the present invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

D. REJECTION OF CLAIMS 6 and 15 UNDER 35 U.S.C. §103(a) OVER PARK IN VIEW OF PETTITT

With regard to the 35 U.S.C. §103(a) rejection over Park in view of Pettitt, Applicant submits that there is no motivation to combine the references. Specifically, Park teaches away from installing the program, as claimed in the current invention. Park teaches that "...the registration server in accordance in [sic] the present invention is independent of software product

manufactures.” Independence is normally defined as being “...free from the influence, guidance, or control of another or others.” See <http://dictionary.reference.com/search?q=independent>. This independence would be abrogated entirely by the interaction between product manufacturers and registration server required to install the product. Thus, one skilled in the art would have no motivation to combine the Park and Pettitt references. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With regard to the Office's other arguments regarding claims 6 and 15, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

**E. REJECTION OF CLAIMS 9, 11, 13, 16, 23, 27, 29, 34 and 36 UNDER 35 U.S.C. §103(a)
OVER PARK**

With regard to the 35 U.S.C. §103(a) rejection over Park, Applicant submits that the features of the cited art fail to teach each and every feature of the claimed invention. Specifically, with respect to dependent claims 13 and 27, Applicant hereby incorporates the arguments set forth above with respect to claims 20 and 31, namely that Park does not teach or suggest a registry system and that Park does not teach or suggest a log system. For the above stated reasons, Applicant respectfully requests that the rejections be withdrawn.

With regard to claims 11, 16, 23, 29 and 34 and Park does not teach or disclose accessing an encrypted verification file from a drive associated with the hardware component. The Office admits that Park teaches only receiving a verification file from a server. A server is well known in the art and is defined as a computer, "...which has a local disk and services requests from remote clients to read and write files on that disk." See <http://dictionary.reference.com/search?q=server>. As is apparent from the definition, a server refers to a "remote" computer. In contrast, the current invention includes "...accessing an encrypted verification file from a drive associated with the hardware component." Claim 11. In contrast to being "remote" as is the server in Park, the drive as included in the present invention is associated with the hardware component. The Office argues that a server may be a drive associated with the hardware component simply by virtue of the fact that some systems have a feature that allows a user to construct an icon in the same location as the user's drive icon or icons that provides a link to a server drive. Using the same logic, an individual may become associated with the patent office simply by having a shortcut to the PTO web site on his/her desktop. Furthermore, if, *arguendo*, it is assumed that a server and a system may be "associated" using the method described by the Office, the server is still only "associated" with the software of the system, not with the hardware component. For the above reasons, the Park registration server that is by definition "remote" is not equivalent to the drive associated with the hardware component as claimed in the current invention. Accordingly, Applicant requests that the rejection be withdrawn.

With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In


addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

V. CONCLUSION

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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